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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,250	10/03/2003	Michael Sykes	007570-0305498	9094

909 7590 07/24/2007
PILLSBURY WINTHROP SHAW PITTMAN, LLP
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MCLEAN, VA 22102

EXAMINER

WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
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3683

MAIL DATE	DELIVERY MODE
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07/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/677,250	Applicant(s) SYKES ET AL.	
	Examiner Thomas J. Williams	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on June 8, 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-20,23,24,31 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20,23,24,31 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

1. Acknowledgement is made in the receipt of the amendment filed June 8, 2007.
2. The declaration under 37 CFR 1.132 filed June 8, 2007 is insufficient to overcome the rejection of claims 17-24, 31, 32, 35 and 36 based upon Sykes in view of Perisho and in view of Kanemitsu as set forth in the last Office action because: the method of progressively stamping the cam and drum member was not previously recited in the claims. The declaration is directed to the claims as presently presented, and as such will be addressed by the examiner.

Drawings

3. The drawings were received on June 8, 2007. These drawings are accepted.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 17-20, 23, 24 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,282,980 to Sykes in view of US 2,929,345 to Zatyko, Sr.

Re-claims 17-20, 23, 24 and 31, Sykes teaches a brake actuator comprising: a mounting bracket 44; a brake actuator lever 12; a cam-and-drum member 72/78/80; a clutch subassembly 170; a spring 70 is connected to the cam and drum member for biasing the member in a slack take-up direction; the lever pivots relative to the bracket; a clutch spring 94. Sykes teaches the cam-and-drum member as forming a single unit once connected. However, Sykes fails to teach the cam-and-drum member being formed by progressively stamping a single sheet metal having a flange portion deformed into a U-shaped groove defining a cable guide.

Zatyko, Sr. teaches a pulley, which is effectively a cam-and-drum member (drum portion 11 is equivalent to drum member 72 in Sykes), formed from a single piece of sheet metal through a progressive stamping process (see figures 1-6). Zatyko, Sr. teaches the progressive stamping process reduces the manufacturing costs as well as improves durability and strength (see column 1 lines 21-26). It would have been obvious to one of ordinary skill in the art to have constructed the cam-and-drum member of Sykes by progressively stamping from a single piece of sheet metal a cam-and-drum member having a flange portion deformed into a general U-shape as taught by Zatyko, Sr., thus reducing manufacturing costs as well as improving the durability of the element.

7. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sykes in view of Zatyko, Sr. as applied to claim 17 above, and further in view of US 5,303,610 to Noel et al.

Re-claim 35, Sykes as modified by Zatyko, Sr. fail to teach the cam member and the brake actuator lever as an integral and continuous one piece element. Noel et al. teach a brake

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actuator lever and cam member (cooperating with cable 6) that is formed as an integral and continuous one piece element. It would have been obvious to one of ordinary skill in the art to have formed the cam and lever assembly of Sykes as a integral and continuous one piece structure as taught by Noel et al., thus reducing costs by reducing the number of parts in the brake assembly.

Response to Arguments

8. Applicant's arguments with respect to claims 17-20, 23, 24, 31 and 35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Trute teaches a pulley, broadly interpreted as a cam member, formed as a single sheet metal piece through a progressive stamping process.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128.

The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

July 19, 2007

THOMAS J. WILLIAMS
PRIMARY EXAMINER

Thomas Williams
AU 3683
7-19-07

Approved
By Ex.
The 7-14-07



Inventor: SYKES et al.
Appl. No.: 10/677,250
Docket No.: 007570-0305498
Replacement Sheet 1 of 3

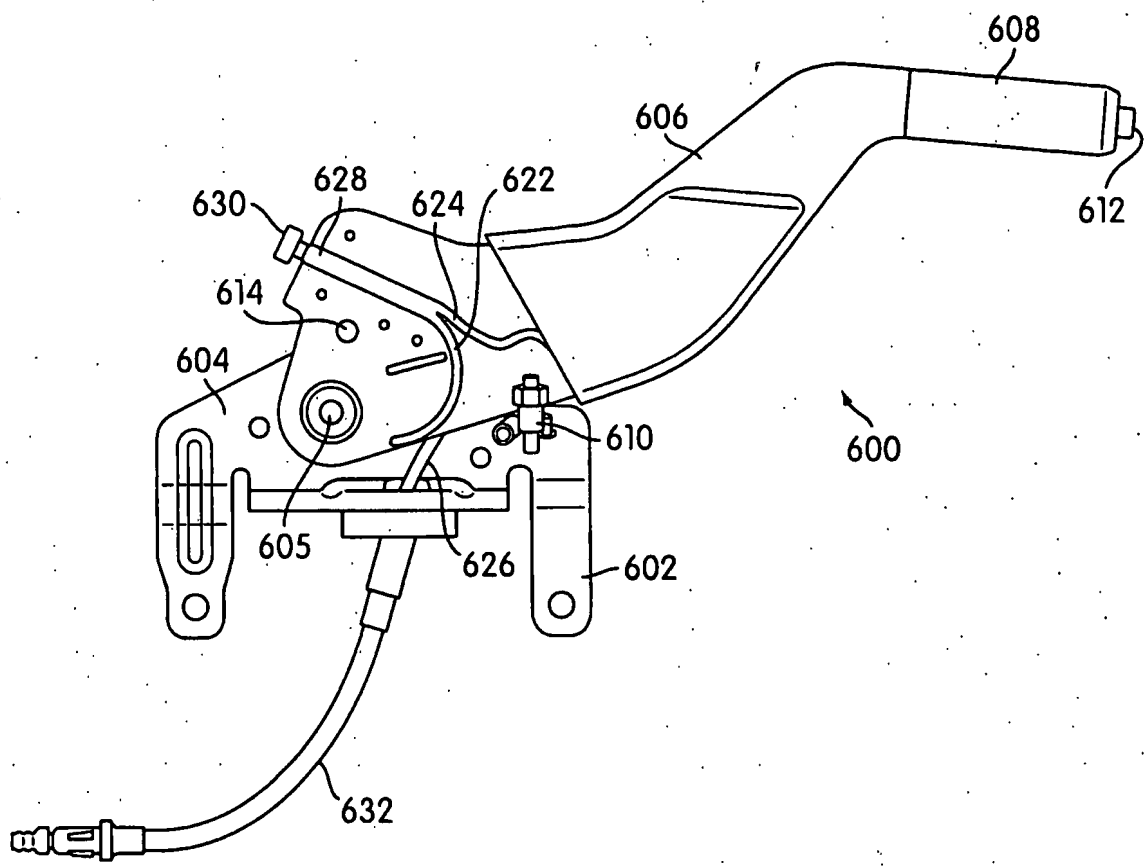


FIG. 14